

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

Ex. rel.

*VEN-A-CARE OF THE FLORIDA
KEYS, INC., a Florida corporation,
by and through its principal officers
and directors, ZACHARY T. BENTLEY
and T. MARK JONES,*

Plaintiff,

ACTAVIS MID ATLANTIC LLC, et al.

Defendants.

MDL No. 1456

Master File No. 01-cv-12257-PBS

Subcategory No. 06-11337-PBS

Civil Action No. 08-CV-10852

Judge Patti B. Saris

**JOINT REQUEST FOR A STATUS CONFERENCE AT THE COURT'S
EARLIEST CONVENIENCE**

Defendants, Actavis MidAtlantic LLC, Alpharma USPD Inc. f/k/a Barre National Inc., and Barre Parent Corp. (collectively "Actavis MidAtlantic"); Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (collectively "Par"); Sandoz Inc. f/k/a Geneva Pharmaceuticals Inc. ("Sandoz"); and Watson Pharmaceuticals, Inc. and Watson Pharma, Inc. f/k/a Schein Pharmaceutical, Inc. (collectively, "Watson") and relator Ven-A-Care of the Florida Keys, Inc., hereby jointly request a status and scheduling conference to discuss the issues raised in the parties' Joint Motion to Modify Deadlines.

On March 22, 2011, the parties filed their Joint Motion to Modify Deadlines, requesting additional time to continue potential settlement discussions, conduct discovery and file summary judgment motions in this case. By this motion, the parties sought to extend the current deadlines set forth in CMO 32 by 90 days. On March 23, 2011, the Court denied the parties' motion

without further explanation. Subsequent to that denial, the parties conferred and agreed to file this joint request.

The parties have attempted, and continue to attempt, to reach a mediated resolution of these Federal False Claim Act *qui tam* actions with the assistance of Professor Eric Green, the court appointed mediator, and with the participation of the Department of Justice. The parties believe they will be able to successfully conclude their mediation efforts, at least with regards to certain defendants, within the next eight weeks. The parties believe that a modest extension of the pre-trial deadlines will facilitate settlement and avoid the unnecessary expenditure of litigation resources in the cases resolved.

The parties believe that a status conference would be appropriate at this time to discuss the status of their efforts to resolve this case and also to obtain the Court's guidance on how best to streamline pre-trial proceedings to facilitate the efficient resolution of this case either through trial or settlement. Accordingly, the parties respectfully request a status conference with the Court at its earliest convenience during the week of March 28, 2011, or in any event, before the currently scheduled close of fact discovery on April 15, 2011. If such conference cannot be scheduled before the current deadline, the parties respectfully request a provisional extension of the close of fact discovery until such time as we are able to meet with the Court.

Respectfully submitted this 28th day of March, 2011.

ON BEHALF OF ALL DEFENDANTS

/s/ Heather K. McDevitt
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*Attorneys for Relator Ven-A-Care of
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CERTIFICATE OF SERVICE

I, Heather K. McDevitt, counsel for defendant Sandoz Inc. f/k/a Geneva Pharmaceuticals, Inc., and on behalf of that defendant as well as defendants Actavis MidAtlantic, LLC; Alparma Inc.; Alparma USPD Inc. f/k/a Barre-National, Inc; Barre Parent Corp.; Par Pharmaceutical, Inc. & Par Pharmaceutical Companies, Inc.; Watson Pharmaceuticals, Inc.; and Schein Pharmaceutical Inc., and relator Ven-A-Care of the Florida Keys, Inc., hereby certify that I have caused a true copy of the foregoing Joint Request for a Status Conference to be delivered to all counsel of record via ECF filing and via the Lexis Nexis File & Serve system this 28th day of March, 2011.

s/Heather K. McDevitt
Heather K. McDevitt